

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

George Novogroder,

Case No. 3:07CV1284

Plaintiff

v.

ORDER

NOM Lima Shawnee LLC,

Defendant

This is a dispute between parties to a putative land sale contract. This is a follow-on suit to an earlier case which was dismissed due to the pendency in Alabama of a prior suit dealing with the same contract.

The Alabama trial court in that case has entered judgment in favor of the defendant in this case. Plaintiff has represented that an appeal to the Alabama Court of Appeals has or will timely be taken from that judgment.

Pending in this case is defendant's motion to dismiss. Plaintiff's opposition asserts that this motion is premature and should be overruled, because the Alabama proceedings have not reached finality. Alternatively, plaintiff suggests that proceedings in this case should be stayed until the Alabama courts have completed their work.

It makes little sense to proceed with this suit now. I will, though, stay all further proceedings pending final adjudication of the Alabama suit. If the courts there uphold the trial court's decision, this suit can and, I expect, will be dismissed on motion of the defendant. If the Alabama decision is reversed on appeal, this case can, and, I assume, will proceed. In the meantime nothing is lost if this case is made dormant for the duration.

It is, therefore,

ORDERED THAT:

1. Proceedings in this case be, and the same hereby are stayed pending further court order;
and
2. Parties to submit status reports monthly commencing March 1, 2008, re. status of related Alabama proceedings.

So ordered.

s/James G. Carr
James G. Carr
Chief Judge